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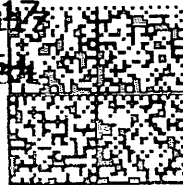
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Roslyn, NY 11576

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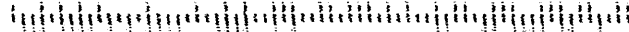
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U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:22-cv-00065-GRB-ARL

Zaldivar v. Levent Company, Ltd. et. al.
Assigned to: Judge Gary R. Brown
Referred to: Magistrate Judge Arlene R. Lindsay
Demand: \$200,000
Cause: 29:201 Fair Labor Standards Act

Date Filed: 01/05/2022
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Date Entered	#	Docket Text
08/29/2023	<u>17</u>	ORDER re <u>14</u> : See the attached Order for details. (Attorney Danielle Elizabeth Mietus and Jasmine Y. Patel terminated) Ordered by Magistrate Judge Arlene R. Lindsay on 8/29/2023. c/ecf (RI) (RI). (Entered: 08/29/2023)
08/31/2023	<u>18</u>	AFFIDAVIT/AFFIRMATION re <u>17</u> Order on Motion to Withdraw as Attorney <i>Proof of Service Upon Defendants</i> by Muslum Levent, Levent Company, Ltd. (Mietus, Danielle) (Entered: 08/31/2023)
10/12/2023	<u>19</u>	REPORT AND RECOMMENDATIONS: See the attached Report and Recommendation for details. Signed by Magistrate Judge Arlene R. Lindsay on 10/12/2023. c/ecf (RI) (Entered: 10/12/2023)
11/20/2023		<p>ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>19</u> Sua Sponte – Report and Recommendations; adopting Report and Recommendations as to <u>19</u> Sua Sponte – Report and Recommendations.</p> <p>Presently before the Court is the Report and Recommendation, dated October 12, 2023, DE 19, of Magistrate Judge Arlene R. Lindsay, recommending that defendants' answer be stricken and default be entered.</p> <p>The time to file objections has expired, and no objections have been filed. Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has carefully reviewed the Report and Recommendation and finds Judge Lindsay's Report and Recommendation to be exceedingly thorough, well-reasoned and free from clear error. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); see <i>Thomas v. Arn</i>, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court to review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."); <i>Mario v. P & C Food Mkts., Inc.</i>, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."); <i>Piroleau v. Caserta</i>, No. 10-CV-5670 (SJF), 2012 WL 5389931, at *1 (E.D.N.Y. Oct. 29, 2012) ("To accept the report and recommendation of a magistrate judge on a dispositive matter as to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record."); see also <i>Killoran v. Westhampton Beach School Dist.</i>, No. 18-CV-3389 (DRH), 2020 WL 1433647 (E.D.N.Y. Mar. 11, 2020) (reviewing dispositive Report and Recommendation for clear error where no objections made). Nevertheless, although de novo review is not required, the Court has conducted a de novo review of the Report and Recommendation, and having reviewed the motion papers, the applicable law, and having conducted a careful review of the Report and Recommendation de novo, the Court has determined that Judge Lindsay has thoughtfully and correctly applied the law.</p> <p>Accordingly, the Court adopts the Report and Recommendation, dated October 12, 2023, DE 19, of Magistrate Judge Arlene R. Lindsay, in its entirety.</p> <p>The Clerk of the Court is respectfully directed to enter notation of default. Plaintiff shall file a proposed order pursuant to the undersigned's Individual</p>

		Rules Appendix A within 10 days thereafter.
		Ordered by Judge Gary R. Brown on 11/20/2023. (JP) (Entered: 11/20/2023)
11/20/2023	<u>20</u>	Clerk's ENTRY OF DEFAULT: It appearing from the docket maintained in this action that defendants Muslum Levent and Levent Company, Ltd., have failed to appear or otherwise defend this action, the defaults of defendants Muslum Levent and Levent Company, Ltd., are hereby noted pursuant to Rule 55a of the Federal Rules of Civil Procedure. (JT) (Entered: 11/20/2023)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X

JOSE ZALDIVAR,

Plaintiff,

- against -

LEVENT COMPANY, LTD. d/b/a SHISH KEBAB
GRILL and MUSLUM LEVENT,

Defendants.

-----X

**CLERK'S CERTIFICATE
OF DEFAULT**
CV 22-0065 (GRB) (ARL)

I, Brenna B. Mahoney, Clerk of Court for the United States District Court for the Eastern District of New York, do hereby certify that defendants LEVENT COMPANY, LTD., and MUSLUM LEVENT have failed to appear or otherwise defend this action.

The defaults of defendants LEVENT COMPANY, LTD., and MUSLUM LEVENT are hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: November 20, 2023
Central Islip, New York

BRENN A. MAHONEY
CLERK OF COURT

BY: /S/ JAMES J. TORITTO
DEPUTY CLERK